


CONSOL ENERGY™
*C/O 5/015 Incoming
Red folders to Confidential*
Consolidation Coal Company

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 #3086
 OK

Nov. 19, 2008

 Daron Haddock
 Utah Division of Oil, Gas and Mining
 Coal Program
 1594 West North Temple, Suite 1210
 Box 145801
 Salt Lake City, Utah 84114-5801

 Re: Emery Deep Mine Permit C/015/015
 Amendment to MRP (full extraction pillar splitting plan, planned subsidence life of mine panels, deficiency response Task id 2990)

Dear Mr. Haddock:

Per your November 30, 2007 approval memo Task 2821, item 2 consider this the deficiency responses to a MRP revision submitted on June 13, 2008. Enclosed please find three (3) copies of the submittal, and two (2) CD's with the submittal in pdf format. Also attached please find executed C1 and C-2 forms

Per the ongoing expansion of the Emery Mine, Consol plans to increase the resource recovery by utilizing a pillar splitting plan that would fall into the planned subsidence category. This full extraction plan is for the remaining reserve to be mined, as depicted on Plate V-5. Consol will obtain MSHA approval prior to commencing pillar splitting. All Plates that depict full extraction areas have been revised to include the future forecasted panels.

Archeology report MOAC 08-135 and Plate X.A.1, (Permit Area Cultural Resources), is included as well as a site mitigation plan for the eligible site. These reports and maps are submitted in red folders. A confidential CD is included and should be placed in the confidential file. A complete set of IMACS forms were submitted with the June 13, 2008 submittal and not returned with this package. Per DOGM request, Ch IX, Plate 10-1 (selected wildlife information) is to be moved to the confidential folder.

Plate VIII-1 (Vegetation and Landuse Map), Plate 10-1 (Selected Wildlife Information), and Plate V-5 (Subsidence Monitoring Points and Buffer Zones) have been updated to reflect current field conditions.

Chapter V App V-7 (Pre Subsidence survey prior to full extraction Life of Mine Panels) has been included in this package. Consol will mail this document to landowners and send proof of such to the Division.

If you have any questions concerning this request, please call me at (618) 625-6850.

Sincerely,

 John Geffert
 Environmental Engineer

 CC: Karl Houskeeper -- DOGM-Price Field Office
 Attachments
 JAG/jag fullextrac.tot.d2990.doc

File in:

C/O 5/015, 2008, Incoming

Refer to:

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Confidential

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Shelf

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Expandable

 Date *11/19/08* For additional information

ccc2
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DIV. OF OIL, GAS & MINING

Deficiency List
Task ID #2990
Full Extraction Pillar Splitting – Life of Mine

The members of the review team include the following individuals:

Priscilla Burton (PB) Steve Christensen (SC) Joe Helfrich (JH) Wayne Western (WW)

R645-301-332 and R645-301-121.200:

The Pre-Subsidence survey Appendix V-7 suggests that the previous 1980 pre-subsidence survey was in error, because conditions have not remained the same on the land surface. i.e. It is entirely possible that in 1980 irrigated farmlands created a stream of return flow in the vicinity of Feature 87, which is now dry. In the interim, Consol purchased the surrounding farm lands and kept them out of production. Naturally, the stream channel would dry up. This does not imply that the 1980 survey was in error. It does provide a statement on the source of the flow. Statements casting doubt on the veracity of the previous survey are not appropriate, and should be removed from Appendix V-7.

Statements contained in Chapter V Appendix V-7 (2008 Pre-Subsidence Survey Life of Mine Panels), relative to the incorrect identification of the stream channel (1980 Valley Engr. Report) are a correct representation of the field condition. The 1980 pre-subsidence survey incorrectly labeled them as a small stream. They should have been noted, in the 1980 report, as irrigation ditches.

- Reference number 93 states that 48 acres above Panels L-2, 3, 4 are irrigated, but does not describe the design of the ditches or state which ditches shown on Figure 1 are functional [On Figure 1, App. V-7 Irrigation ditches are shown in pink for the 1980 survey and in green for the 2008 survey.] The survey narrative should clearly indicate which ditches are presently functional and provide reference numbers and design information on those existing, functional irrigation ditches. Similar information is requested for Features 109 and 11.

Survey data, for irrigation ditches on private surface other than Consol surface has been included at Chapter V Appendix V-7 (2008 Pre-Subsidence Survey Life of Mine Panels). The irrigation ditches for the remaining mining area are labeled on Appendix V-7, Figure. The irrigation ditches on Consol surface were not surveyed.

- Farmland acreage in Features 109 and 122 should be disclosed.

The farmland acreage changes from year to year. The acreage that is farmed is dependant on the amount of irrigation water. Due to this variability year to year, Consol does not intend to list cropland acreages in the future.

- Feature 110 could not be located on Figure 1 of App. V-7.

Feature 110 is located above Panel 9 West. Refer to CH V, Appendix V-7, Figure 1.

- Acreage irrigated by Features 72 and 74 should be disclosed. (PB)

The farmland acreage changes from year to year. The acreage that is farmed is dependant on the amount of irrigation water. Due to this variability year to year Consol does not intend to list cropland acreages in the future.

R645-301-623:

Since the MRP has limited roof and floor analysis and is missing several parameters from those samples that were taken from the Zero North location, the plan should include a commitment for further geologic testing as discussed with John Gefferth on 03/31/2008. (PB)

The analytical data found at CHV, Pages 15a-15e (roof and floor samples Zero North) contains all parameters requested by DOGM.

R645-301-300 and R645-301-400:

The application needs to include information that addresses the Biology, R645-301-300 and Land-use, R645-301-400 sections of the regulations. (JH)

Refer to Chapter VIII, Appendix VIII-4, Biological Resources of the Full Extraction Pillar Splitting, Life of Mine Surface Area.

R645-301-411:

The application needs to include a narrative on how the eligible site, 42Em3837, will be avoided or a data recovery plan if the site cannot be avoided. (JH)

The referenced site 42Em3837 is not eligible per MOAC Report 08-135.

Per MOAC Report 08-135, Site 42Em3924 is eligible for inclusion on NRHP under Criterion C. Consol does not intend to avoid mining under this structure. Please refer to Chapter X, App 5-9 for a mitigation plan.

R645-301-320:

The Permittee should discuss whether the proposed full extraction mining to be implemented at the site (See Plate V-5) could potentially impact the alluvial valley floors (AVF's) depicted on Plate SI-1. (JH)

The reference Plate SI-1 is not found in the MRP.

The proposed area of full extraction does not underlie any alluvial valley floors as depicted on Plate XI-1 (Alluvial Valley Floor Along Upper Quitcupah Creek), therefore no impacts are anticipated.

R645-301-525.460 and R645-301-525.490:

The Permittee must provide the Division with a map that shows the anticipated subsidence isopachs according to the approved mining and reclamation plan. The Division needs this information in order to evaluate the subsidence prediction models. In addition, the Permittee must also modify the MRP so that the Permittee will include in the annual report a map subsidence map that shows the subsidence isopachs. The Division needs that information to evaluate subsidence. (WW)

Refer to Plate V-5 (Subsidence Monitoring Points and Buffer Zones) for the subsidence isopachs. The subsidence monitoring point data contained in the annual report is only spot elevation change at the center of the panels. This data cannot be extrapolated into isopac lines. To evaluate the subsidence prediction model the division can compare the annual survey data in the center of the panels (maximum subsidence) with the isopac map (Plate V-5). Additionally consol submits monthly subsidence monitoring reports to the division. These reports contain detailed survey data (cross section data) on several panels that Consol has used to refine its subsidence prediction model.

R645-525.410:

The Permittee must update the statement in Chapter V page 26 that mentions that the Permittee proposes "full extraction mining" to instead indicate that full extraction mining *will occur*. (WW)

The correct page reference is CH V pg 27. Please refer to revised CHVpg27 for the revised language

APPLICATION FOR COAL PERMIT PROCESSING

Permit Change ☒ New Permit ☐ Renewal ☐ Exploration ☐ Bond Release ☐ Transfer ☐

Permittee: Consolidation Coal Company

Mine: Emery Mine

Permit Number: 015/015

Title: Full extraction pillar splitting life of mine

Description, Include reason for application and timing required to implement:

Planned Subsidence submittal for the remaining life of mine deficiency response task id 2990 9/17/08

Instructions: If you answer yes to any of the first eight (gray) questions, this application may require Public Notice publication.

- ☐ Yes ☒ No 1. Change in the size of the Permit Area? Acres: _____ Disturbed Area: _____ ☐ increase ☐ decrease.
- ☐ Yes ☒ No 2. Is the application submitted as a result of a Division Order? DO# _____
- ☐ Yes ☒ No 3. Does the application include operations outside a previously identified Cumulative Hydrologic Impact Area?
- ☐ Yes ☒ No 4. Does the application include operations in hydrologic basins other than as currently approved?
- ☐ Yes ☒ No 5. Does the application result from cancellation, reduction or increase of insurance or reclamation bond?
- ☐ Yes ☒ No 6. Does the application require or include public notice publication?
- ☐ Yes ☒ No 7. Does the application require or include ownership, control, right-of-entry, or compliance information?
- ☐ Yes ☒ No 8. Is proposed activity within 100 feet of a public road or cemetery or 300 feet of an occupied dwelling?
- ☐ Yes ☒ No 9. Is the application submitted as a result of a Violation? NOV # _____
- ☐ Yes ☒ No 10. Is the application submitted as a result of other laws or regulations or policies?
- Explain: _____
- ☐ Yes ☒ No 11. Does the application affect the surface landowner or change the post mining land use?
- ☐ Yes ☒ No 12. Does the application require or include underground design or mine sequence and timing? (Modification of R2P2)
- ☐ Yes ☒ No 13. Does the application require or include collection and reporting of any baseline information?
- ☐ Yes ☒ No 14. Could the application have any effect on wildlife or vegetation outside the current disturbed area?
- ☐ Yes ☒ No 15. Does the application require or include soil removal, storage or placement?
- ☐ Yes ☒ No 16. Does the application require or include vegetation monitoring, removal or revegetation activities?
- ☐ Yes ☒ No 17. Does the application require or include construction, modification, or removal of surface facilities?
- ☐ Yes ☒ No 18. Does the application require or include water monitoring, sediment or drainage control measures?
- ☒ Yes ☐ No 19. Does the application require or include certified designs, maps or calculation?
- ☒ Yes ☐ No 20. Does the application require or include subsidence control or monitoring?
- ☐ Yes ☒ No 21. Have reclamation costs for bonding been provided?
- ☐ Yes ☒ No 22. Does the application involve a perennial stream, a stream buffer zone or discharges to a stream?
- ☐ Yes ☒ No 23. Does the application affect permits issued by other agencies or permits issued to other entities?

Please attach four (4) review copies of the application. If the mine is on or adjacent to Forest Service land please submit five (5) copies, thank you. (These numbers include a copy for the Price Field Office)

I hereby certify that I am a responsible official of the applicant and that the information contained in this application is true and correct to the best of my information and belief in all respects with the laws of Utah in reference to commitments, undertakings, and obligations, herein.

Jonathan M. Pachter

Print Name

Jonathan M. Pachter 9/16/08
Sign Name, Position, Date General Manager, Environmental Services

Subscribed and sworn to before me this 16 day of SEPTEMBER, 2008

Notary Public
My commission Expires: _____, 20____
Attest: State of PENNSYLVANIA } ss:
County of WASHINGTON }

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Jane M. Young, Notary Public
Cecil Twp., Washington County
My Commission Expires June 20, 2009

Member, Pennsylvania Association of Notaries

For Office Use Only:

Assigned Tracking
Number:

Received by Oil, Gas & Mining

APPLICATION FOR COAL PERMIT PROCESSING

Detailed Schedule Of Changes to the Mining And Reclamation Plan

Permittee: Consolidation Coal Company

Mine: Emery Mine

Permit Number: 015/015

Title: Full extraction pillar splitting life of mine deficiency response Task id 2990

09/08

Provide a detailed listing of all changes to the Mining and Reclamation Plan, which is required as a result of this proposed permit application. Individually list all maps and drawings that are added, replaced, or removed from the plan. Include changes to the table of contents, section of the plan, or other information as needed to specifically locate, identify and revise the existing Mining and Reclamation Plan. Include page, section and drawing number as part of the description.

DESCRIPTION OF MAP, TEXT, OR MATERIAL TO BE CHANGED

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<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	CH V, page 27
<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chapter V, page 42 (corrected from PHC submittal)
<input checked="" type="checkbox"/> Add	<input type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chapter V App V-7 (Pre Subsidence survey prior to full extraction Life of Mine Panels
<input type="checkbox"/> Add	<input type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chapter VIII, index page (adds appendix VIII-4)Biological Rresources Life of Min Plan
			Chapter VIII, App VIII-4, Biological Resources of the Full Extraction Pillar Splitting Life of Mine Surface Area.
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<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chapter X, index page (adds archeo for life of mine panels)
			Chapter X, App 5-9, Archeology report (MOAC 08-135) and site mitigation plan (CONFIDENTIAL)
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<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chapter IV, Plate IV-2, UG Operations Plan (updated mine plan and timing)
<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chapter V, Plate V-5 Subsidence Monitoring Points and Buffer Zones (add full extract)
<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chapter VIII, Plate VIII-1, Vegetation and Landuse Map (add full extract)
<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chapter IX, Plate 10-1, Selected Wildlife Information (add full extract) CONFIDENTIAL
<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chapter X, Plate X.A-1, Permit Area Cultural Resources CONFIDENTIAL (add full extract)
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Any other specific or special instruction required for insertion of this proposal into the Mining and Reclamation Plan.

Received by Oil, Gas & Mining